

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 04-80764

CLINTON EARL WILSON,

HONORABLE AVERN COHN

Defendant.

_____ /

ORDER REGARDING DEFENDANT'S MOTION TO COMPEL

This is a criminal case. On May 10, 2006, defendant was convicted by a jury of possession with intent to distribute more than five grams of cocaine, in violation of 21 U.S.C. § 841(a)(1) and being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). On December 12, 2006 defendant was sentenced to 97 months imprisonment. Defendant filed a direct appeal, challenging the denial of his motion to suppress evidence of narcotics and a gun found during a search of his residence pursuant to a warrant.¹ The Court of Appeals for the Sixth Circuit affirmed. United States v. Wilson, No. 06-2616 (6th Cir. Jan. 8, 2009).

Before the Court is defendant's "Motion to Compel" in which he requests transcripts of an evidentiary hearing in state court and an evidentiary hearing in this Court. Defendant also asked for an "extension for the due date of my 2255 motion . . ." The government, at the Court's request, filed a response stating that it forwarded copies

¹Defendants also raised a number of issues pro se, which the Court of Appeals rejected for lack of merit.

of the transcripts to defendant. Thus, defendant's request has been satisfied. The government also says that no extension of time should be granted.

The Court agrees with the government. Defendant offers no explanation for his late request for transcripts, which apparently were in the possession of the defense during trial, or other reason why the time for him to file a motion under 28 U.S.C. § 2255 should be tolled.

Accordingly, defendant's request for transcripts is DENIED AS MOOT.
Defendant's request for tolling is DENIED.

SO ORDERED.

s/ Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: February 10, 2010

I hereby certify that a copy of the foregoing document was mailed to Clinton Earl Wilson, 39000-039, FCI Fort Dix, Federal Correctional Institution, P.O. Box 2000, Fort Dix, NJ 08640 and the attorneys of record on this date, February 10, 2010, by electronic and/or ordinary mail.

s/ Julie Owens
Case Manager, (313) 234-5160